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FYSA

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Subject: Region 6 Weekly

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

November 30, 2017

EPA Meets with Consulate General of The Republic of Korea, Houston, Texas

EPA will meet with representatives of the Consulate General of the Republic of Korea in Houston on Thursday, December 7, 2017. The meeting was requested by the Consulate to discuss the region's experience with disaster response and recovery, and how EPA and collaborating agencies are dealing with the aftermath of Hurricane Harvey. EPA attendees will include staff representing Regional contingency planning, Local Emergency Planning Committee outreach, inter-agency coordination and disaster response recovery. The Regional Director for the Office of Environmental Justice, Tribal, and International Affairs will also participate.

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Anadarko Petroleum

The Region anticipates receiving Anadarko's signed Consent Agreement and Final Order (CAFO) by December 1, and anticipates filing during the week of December 4, 2017. Anadarko is a large off shore exploration and production oil and gas company conducting operations in the Gulf of

Mexico. Additionally, Anadarko has on shore facilities, respectively in Louisiana and Texas. The CAFO addresses violations at seven offshore locations in Federal waters and two onshore locations located in Port Fourchon LA and Galveston TX. The CAFO was issued in response to violations of RCRA, including, among other things, failure to notify as to current generator status, failing to meet the requirement of a generator of hazardous waste, and failure to make adequate hazardous waste determinations. The CAFO requires Anadarko Petroleum to: 1. Pay a civil penalty of \$1,383,164.00, within 30 days of the effective date of the CAFO; 2. Certify that it has assessed all its solid waste streams at each Facility listed in the CAFO to determine the accurate waste codes and has developed and implemented standard operating procedures ("SOPs") for each Facility to ensure that Anadarko is operating in compliance with RCRA and the regulations promulgated thereunder; 3. Certify that it has accurately and adequately complied with its RCRA Section 3010 Notification, where applicable, for each Facility; and 4. Provide, with its certification, a copy of SOPs as described in #2 above to EPA Region 6.

Lindon Manufacturing and Laboratory, in Houston, Texas

EPA has identified numerous incompatible materials being stored at the Lindon Manufacturing location that may present a substantial risk of fire, explosion, and danger to human health. Region 6 will issue a letter by December 1, 2017 requesting that Lindon Manufacturing arrange for the removal and disposal of the hazardous material within 5 days of receipt of this letter. The letter will also request the facility to provide a report detailing the steps they have taken to address areas of concern detailed in inspection reports previously provided to the company. If the company fails to respond to the letter, Region 6 is considering the issuance of a Unilateral Order (UAO) either under RCRA §3008(a) (enforcement) or a RCRA §7003 (Imminent and Substantial Endangerment (ISE)) to Lindon Manufacturing and Laboratory, LLC, in Houston, Texas. The facility was referred to Region 6 by the Texas Commission on Environmental Quality (TCEQ) for investigation and appropriate action. EPA's investigation, beginning with the initial site visit (May 2015) and subsequent information request (February 2016) and sampling inspection analytical results (January 2017), confirmed regulatory violations including storing hazardous waste without a permit and storage of incompatible wastes together. The UAO action, if undertaken, will require Lindon to address regulatory violations and the potential ISE issues. The Region has notified the Office of Site Remediation and Enforcement of the potential ISE UAO and has kept the State apprised of the case status.

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San Jacinto River Waste Pits, Highlands, TX- Community Meeting

On December 4, 2017, EPA, in cooperation with the Texas Commission on Environmental Quality (TCEQ) and state and local agencies, plans to conduct a community meeting from 6:30 p.m. to 8:00 p.m. at the Highlands Community Center in Highlands, Texas. This meeting will provide the community with the opportunity to ask questions about and to

get involved in the remediation process for the site. Discussion topics include the Record of Decision selected remedy, site activities, river channel stabilization work and timetables.

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Bird Creek, Osage County, Oklahoma

EPA continues to work on the response to comments from the public comment period and the hearing held on October 11, 2017 related to Proposed Administrative Orders (SDWA) sent to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc. All three respondents believe the contamination is a one-time occurrence and dispute EPA's contention that the Mississippi Chat is over-pressurized. A tentative date for pumping out North Bird Creek at Monitoring Station No. 6 between the landowner and two respondents is set for the week of December 4th. EPA will be on site to observe the action, if it occurs. EPA will be collecting additional in-stream monitoring data the week of December 4th. On November 27, 2017, EPA mailed out an Administrative Order (AO) to Warren American Oil Company, LLC under the Clean Water Act (CWA) for an unauthorized discharge of produced waters of the U.S observed during an EPA inspection on October 30-31, 2017. After receipt, the Respondent (Warren) has 30 days to comply with the AO.

Grace Sierra, Hope, AR

EPA intends to conduct indoor air sampling at the former Grace Sierra facility. Although most indoor dust samples collected in July of 2017 showed non-detect for asbestos, one sample detected an elevated level of chrysotile asbestos. To help assure the plant manager and his employees that there are no exceedances of the OSHA air standard, EPA offered to conduct 8-hour sampling in the warehouse.

Oklahoma Corporation Commission – Final End of Year Report for UIC Program Oversight

During the first week of December, EPA intends to send the Underground Injection Control End-of-Year review to the Oklahoma Corporation Commission (OCC) for state fiscal years of 2016 and 2017. The review covers basic program activities and the OCC's actions with respect to induced seismicity. The OCC staff have already reviewed the draft and had no problems or comments on it. Additionally, the transmittal letter will praise OCC for their efforts to address natural gas seeps affecting the Pawhuska High School this fall.

Texas Small MS4 General Permit, State Permit Review

EPA may issue an Interim Objection letter requesting information on how the permit is consistent with the requirements of the Clean Water Act and implementing regulations will be submitted by its regulatory deadline of Monday, December 4, 2017. Issues that could be included in the interim objection, if not resolved, include: 1) controls for discharges to impaired waters or discharges to waters with Total Maximum Daily Loads, 2) whether compliance schedules improperly extend deadlines for activities

that should have already been completed, and 3) procedures for meeting requirements of the MS4 Remand Rule in the proposed two-step process.

Spill Prevention Control and Countermeasure (SPCC) Class I Consent Agreement and Final Order (CAFO), Lincoln County, OK

EPA intends to issue a Class I CAFO to Palm Operating, LLC, for the following violations of 40 CFR part 112: failure to develop a SPCC Plan; implement discharge prevention measures, drainage controls, and countermeasures for discharge discovery, response and cleanup; and maintain appropriate containment and/or diversionary structures or equipment at the facility to prevent a discharge. The violations were documented during an inspection of the SFPSU Tank Battery in Lincoln County, OK, on June 26, 2017. The proposed penalty is \$28,847.

NEPA

Texas-Oklahoma Passenger Rail Development Program Combined Service

The Department of Transportation, Federal Railway Administration (FRA) prepared a Final Environmental Impact Statement (FEIS) to consider the development of an intercity passenger rail system that enhances existing passenger rail service and provides new passenger rail service between Oklahoma City and South Texas (Laredo, Corpus Christi, Brownsville), with potential extension to Monterrey, Mexico. The development could provide new and upgraded passenger rail service along an 850-mile corridor extending approximately from Oklahoma to south Texas. Region 6 will support the FRA by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

December 4 – San Jacinto Waste Pits Superfund Site Community Meeting, Highland Community Center, Highland, Texas.

December 5 -- EPA will participate in the General Session at the 2017 Clean Gulf Conference to present and update on regional oil spill prevention and response activities. Over 500 people are expected to attend.

December 11 – TCEQ meeting with environmental organizations on Hurricane Harvey response, Austin, Texas. EPA invited to participate.

December 14 – Georgia Pacific Public meeting hosted by Arkansas DEQ, Crossett, Arkansas.

UPCOMING DECISIONS

Action to Concur with the TCEQ El Paso Exceptional Events Demonstration

EPA intends to concur on the document for the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ). TCEQ has asked to except the air quality 8-hour ozone concentration value of 77 parts per billion and flag the hours of 1100-1800 local standard time (LST) on June 21, 2015, at the University of Texas at El Paso (UTEP) monitor. TCEQ submitted the demonstration package on September 27, 2016, after completing a 30-day public review period. Additional information was submitted for review on January 19, 2017, January 20, 2017, and May 20, 2017. After careful consideration of the information provided, the EPA concurs, based on the weight of evidence, that the TCEQ has made such demonstration.

Request for Title V Permit for Monarch Waste Technologies

EPA intends to request a complete Part 71 permit application by June 1, 2018 in order to permit operation of the Pyromed 550 system incinerator on Pueblo of Nambe tribal lands. An operating permit is required pursuant to the New Source Performance Standards for Hospital/Medical/Infectious Waste Incineration (HMIWI) regulations. EPA's federal operating permit rules require operating permits to be submitted within 12 months after the source becomes subject to the permit program, or on or before such earlier dates as the permitting authority may require. EPA may request permit applications earlier than 12 months provided the source is notified of an earlier submittal date at least 6 months in advance of that date. Because of expected interest in this operation, we are requesting the Title V permit application by June 1, 2018.

PAST WEEK ACCOMPLISHMENTS

Revisions to Emissions Banking and Trading Programs, Texas

EPA approved Texas revisions to Emissions Banking and Trading Programs for Area and Mobile Sources. This final action addressed the revisions to the Texas Emissions Credit (EC) and Discrete Emission Credit (DEC) that clarify and expand the existing SIP approved programs for area and mobile source credit generation. The regulated community and the public have been active participants in the TCEQ stakeholder process for the development of these regulations.

PENDING ACTIONS (Pending Federal Register Publication)

Oklahoma: Final Approval of State Underground Storage Tank Program Revision
FRL 9968-28-Region 6 and 9968-29-Region 6

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